

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CR-00335-RJC-DCK

USA

v.

GARVIN ALEXANDER HARRIS

)
)
)
)
)
)

ORDER


THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence under § 404 of the First Step Act of 2018. (Doc. No. 30).

Section 404(c) of the Act specifies that a court “shall not entertain” a reduction motion where the sentence was imposed in accordance with amendments made by the Fair Sentencing Act of 2010. Pub. L. 115-135 (2018). Here, the defendant was sentenced on February 17, 2022, facing a range of punishment of ten years’ to life imprisonment, based on his guilty plea to conspiring to distribute 280 grams or more of cocaine base in violation of 21 U.S.C. § 841(b)(1)(A)(iii) (Count One) and five to forty years’ imprisonment, based on his guilty plea to distributing 28 grams or more of cocaine base in violation of 21 U.S.C. § 841(b)(1)(B)(iii) (Counts Two through Five). (Doc. No. 1: Information at 1-2; Doc. No. 3: Plea Agreement at 1-2; Doc. No. 15: Presentence Report at 1). Because the defendant was sentenced following the amendment of §§ 841(b)(1)(A)(iii) and (B)(iii) by § 2 of the Fair Sentencing Act, he is not eligible for a sentence reduction under the First Step Act.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 30), is **DISMISSED**.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: March 9, 2023


Robert J. Conrad, Jr.
United States District Judge

